

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/786,699 Confirmation No.: 3671
Applicant : William Suttle Peters, et al.
Filing Date : February 24, 2004
Title : Heart Assist Devices, Systems and Methods
Group Art Unit : 3762
Examiner : Scott M. Getzow
Docket No. : 13634.4006
Customer No. : 34313

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

I, James W. Geriak, represent that I am an attorney of record for the above-identified application. I am authorized to sign this Terminal Disclaimer on behalf of Sunshine Heart Company Pty Ltd. I certify that Sunshine Heart Company Pty Ltd. owns the entire interest in the above-identified application and invention by virtue of an assignment from the inventors to Sunshine Heart Company Pty Ltd. recorded in the Patent and Trademark Office at Reel 012262, Frame 0613. I have reviewed all the documents in the chain of title of this patent application and, to the best of my knowledge and belief, title and the entire interest of this patent application is held by Sunshine Heart Company Pty Ltd.

Sunshine Heart Company Pty Ltd. hereby disclaims the terminal part of any patent granted on the above-identified application that would extend beyond the statutory expiration date of U.S. Patent No. 6,808,484. Sunshine Heart Company Pty Ltd. is the owner of U.S. Patent No. 6,808,484 (application serial no. 09/869,923) by virtue of assignment from the inventors to Sunshine Heart Company Pty Ltd.

Applicant : William Suttle Peters, et al.
Appl. No. : 10/786,699
Examiner : Scott M. Getzow
Docket No. : 13634.4006

Moreover, Sunshine Heart Company Pty Ltd. hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6,808,484, this agreement to run with any patent granted on the above-identified application and to be binding upon Sunshine Heart Company Pty Ltd., its successors, or assigns.

Sunshine Heart Company Pty Ltd. does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent No. 6,808,484 (Application Serial No. 09/869,923), in the event that this patent later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.312(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

Method of Payment of fees:

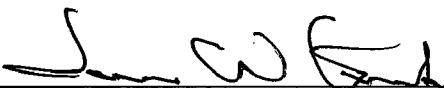
A check in the amount of _____ is enclosed to cover the above fee(s).
 Charge Orrick's Deposit Account No. **15-0665** in the amount of **\$65.00**.
 The Commissioner is authorized to charge Orrick's Deposit Account No. **15-0665** for any fees required under 37 CFR §§ 1.16, 1.17 and 1.445 that are not covered, in whole or in part, by a check enclosed herewith and to credit any overpayments to said Deposit Account No. **15-0665**.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: October 1, 2007

By:



James W. Geriak
Reg. No. 20,233

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 949-567-6700
Fax. 949-567-6710
Customer Number: 34313